**HIGH COURT OF JUDICATURE CHHATTISGARH :BILASPUR**

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**CORAM :** **HON'BLE SHRI S.R. NAYAK, CJ.**
**& HON'BLE SHRI D.R. DESHMUKH, J.**

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**WRIT PETITION NO. 398 OF 2006**

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| **PETITIONER** | | Santosh Kumar Yadav, S/o. Shri Chandulal Yadav, aged about 24 years, R/o. Near Kamal Beatle Shop, Katora Talab, RaipurC.G.) |
| | Versus | |
| **RESPONDENTS** | 1. | State of Chhattisgarh, Through : the Secretary, Home Department, D.K.S. Bhawan, Raipur (C.G.) |
| | 2. | Senior Superintendent of Police, District Raipur, Raipur (C.G.) |
| | 3. | State House Officer, P.S. Civil Lines, District Raipur (C.G.) |
| | 4. | Mahesh Kumar Rohila, S/o. Shri Bhagwandas aged about 50 years, R/o. Sindhi Colony, Katora Talab, Raipur (C.G.) |

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Present : Shri Bhaskar Payashi, learned counsel for the petitioner.
Shri Pramod Verma, learned Addl. A.G. for the State/ respondents 1 to 3.
Shri Bhishma Kinger, learned counsel for respondent No.4.

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**Oral Order**
**(7th February, 2006)**

The following order of the Court was passed by

**S. R. Nayak, CJ.**

This writ petition is filed by one Santosh Kumar Yadav, S/o. Shri Chandulal Yadav, resident of Kamal Beatle Shop, Katora Talab, Raipur. It is averred that he married Ms. Priti Rohila, D/o. Shri Mahesh Kumar Rohila, who is S/o. Shri Bhagawandas, the 4th respondent herein on

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12.10.2005 in Arya Samaj Mandir, Marhi Mata Nagar, Jail Road, Raipur and they were staying together.

(2) After the marriage, it is averred, in the night of 12.10.2005, Police of Civil Lines called the petitioner alongwith his wife and he was kept in Police Station, Civil Lines and his wife Smt. Priti was kept in Mahila Thana, Raipur on the night of 12.10.2005. In the evening of 13.10.2005, the petitioner was released from Police Station, Civil Lines and he was told by one Mr. Nagwanshi, who was posted as Sub-Inspector that his wife was taken away by her father. In the circumstance, on 14.10.2005 the petitioner lodged a compliant with the Police Station, Civil Lines, Raipur and the 3rd respondent-Station House Officer did not take any action. So alleging, this Habeas Corpus writ petition is filed under Article 226 of the Constitution seeking intervention of the Court. Having entertained the writ petition on 24.01.2006, by our order dated 31.01.2006, we directed the 4th respondent to produce the detenue Ms. Priti today before the Court. We also directed the petitioner to be present in person at 10.30 a.m. today.

(3) We have heard the petitioner and Ms. Priti as well as 4th respondent and their counsel. When we examined Ms. Priti in open Court, she told us that she on her own and out of her volition and free-will has been staying with the 4th respondent. Nevertheless, in our anxiety that the liberty of Ms. Priti should not be violated or curtailed, conducted hearing in camera. At the time of hearing in camera, both Ms. Priti and the petitioner were present. In camera hearing also, Ms. Priti told us that she would like to stay with her father, the 4th respondent and she is not willing to go with the petitioner. We are satisfied that Ms. Priti is matured enough to decide the liberty granted to her under the Constitution. Since she has specifically told us that she has been staying with her parents out

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of her volition and free-will and she has no mind to go with the petitioner, we cannot direct Ms. Priti to join the petitioner against her will.

(4) In that view of the matter, no further steps need be taken and accordingly, this writ petition is disposed of. However, we make it clear that this order shall not come in the way of the petitioner working out his remedies available to him in matrimonial law, if he is so advised. No costs.

Sd/-
Hon'ble the Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge